

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43971-2021 (O&M)

Date of Decision:- 17.3.2022

Manoj

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunny Tyagi, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Ramesh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 27, dated 1.2.2021, Police Station Gohana Sadar, District Sonapat, under Section 307, 34 IPC and Sections, 25, 54, 59 of Arms Act.
2. The FIR was lodged at the instance of Amit wherein it is alleged that on 1.2.2021, when he was proceeding from his house towards canal and was present near the house of Baljit Singh, then he saw Shiv Parkash alongwith his friend who were on a red coloured motorcycle. Shiv Parkash was sitting on the pillion seat while his friend who was

driving the motorcycle was wearing a mask and could not be identified. Shiv Parkash, upon noticing the complainant loaded his pistol and fired at the complainant with an intention to kill him and the shot fired by him hit at his waist. The complainant started running and the accused followed him on motorcycle and kept on firing at him, but he was not hit.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated subsequently on the basis of supplementary statement made by the complainant wherein he has come out with a different version inasmuch as he has stated that it was one Rudra who had fired at him and that it was the petitioner who was driving the motorcycle and that the shots had been fired at the instance of Shiv Parkash, who was conspiring with the other accused. Learned counsel has submitted that the aforesaid twist in the prosecution version given by the complainant clearly exposes the hollowness of the case of the prosecution. It has been submitted that since the petitioner has a clean record and has been behind bars since the last more than 10 months, he deserves the concession of bail.
4. On the other hand learned State counsel while opposing the petition has submitted that as on date the petitioner has been behind bars for the last more than 10 months and he is not wanted in any other case. It has also been informed that none out of the cited 25 PWs has been examined till date.
5. I have considered rival submissions addressed before this Court.

6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated as an accused on the basis of a supplementary statement made by the complainant. Even as per the supplementary statement, it is not the petitioner who is alleged to have fired at the complainant. The petitioner has been behind bars for a substantial period of more than 10 months. Conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 25 PWs has been examined. The petitioner is stated to be having a clean record and is not involved in any other case, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No